IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Gafoor Vs. District Judge, Sikar & ors.

S.B. CIVIL WRIT PETITION NO.3206/2007

Date of Order:- 30/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Pradeep Kalwania for petitioner.

****

This writ petition has been filed against the order of the trial court dated 29/3/2007 whereby the learned District Judge Sikar in Suit No.66/2006 has made an observation that Jeevan Ram from whom the petitioner has purchased the land in question is a necessary party. Therefore the petitioner by way of this writ petition is seeking a direction from this Court to hold that this observation may not affect the interest of the petitioner in the final judgment that may yet to be passed.

In my view, the observation on the face of it, did not decide any question of either side. What has been stated is that Jeevan Ram who sold the land in dispute to the petitioner by virtue of an agreement to sell notarized by the Notary Public on 11/1/1988 is not a party to the suit and that the agreement to sell does not by itself create any title in favour of anyone. In that order, the learned trial court has not decided any issue.

Learned counsel for the petitioner apprehends that the trial court shall frame an issue on this aspect and then may proceed to record a finding on that issue. It is settled law that the issues are framed on the basis of the pleadings of the parties and for this if petitioner considers that the issue is required to be framed, it is for the petitioner to agitate this question before the trial court itself.

With these observations, the writ petition is disposed of.

Anil **(MOHAMMAD RAFIQ), J.**